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Hegel's theory of moral action:
the obligations and limits of *Sittlichkeit*

**Hegel's theory of moral action:
the obligations and limits of *Sittlichkeit***

§1 | Introduction

Hegel's continued attack on Kantian morality and, above all, on the empty formalism of the categorical imperative motivates his postulation of an immanent, as opposed to a transcendental, doctrine of duty.¹ The subject's duties are found embedded in *Sittlichkeit*, his ethical substance or moral fabric, from which he derives the determinations of his will; thus motivations for action do not originate from transcendental reason, but from the agent's institutional role(s) within the rational state. It is this explicitly social origin of motivations which has led to the diverse interpretations and judgements on Hegel's account of the state. On the one hand, he is accused of political quietism: if a subject is free through the fulfilment of his social role, then seemingly the possibility of protest in terms of a moral conscience is ruled out since to protest is to obviously fail to fulfil one's role.² On the other hand, the moral conscience is held to be a fundamental and necessary attribute of the rational state and, if it is absent, then neither the individual nor the state is fully free.³ The aim of this paper is not to interrogate these different interpretations, but rather to see whether the issue concerning the role of the moral conscience in Hegel's social theory can be answered through an exploration of one of the building blocks in his account of the rational state; that is, his much neglected theory of moral action.

Hegel, like most political theorists, sees the state as a way to embody, protect and make possible a fundamental human value, viz. freedom. His social theory is structured so that Hegel offers an account of human nature and then describes the political system which best protects and makes

possible authentic human existence.⁴ The debate, then, over the role of the moral conscience within *Sittlichkeit* can perhaps be resolved through a consideration of a significant element of Hegel's account of human nature, that is his theory of moral action, since this discussion forms the bridge between metaphysical freedom [PR, §7] and social freedom [PR, §142] by laying the foundations for practical freedom which will be embodied in and made possible by *Sittlichkeit*.

The rejection of Kant is, after all, only the negative part of Hegel's argument which grounds the idea of *Sittlichkeit*. The basis for the immanent doctrine of duty is twofold: negatively in the failure of a universal, transcendental account of duty; and positively, in Hegel's theory of action. Yet, it is only the former, negative argument which is widely known and discussed.⁵ This aim of this article is to argue that the movement from an account of universal rationality to objective, social freedom is already positively involved and necessary to Hegel's own theory of action. Further, when the theory of action is elaborated, it should be clear that the place of moral subjectivity in *Sittlichkeit* cannot be underestimated and the charge of quietism may be misplaced.

This paper will, therefore, concentrate on the implicit embodiment of an immanent, free and subjectively endorsed doctrine of duty within Hegel's abstract theory of action. The issue at stake can best be summarised in the question: what part does his theory of action play in establishing the subjective claims inherent in *Sittlichkeit*? To answer this it is first necessary to interrogate Hegel's most mature account of action as found in the *Philosophy of Right* §§105-140 and the *Philosophy of Mind* §§503-512.

§2 | Moral Freedom and the Theory of Action

Hegel's theory of action is to be found under the heading of "Morality" in both the *Philosophy of Mind* and the *Philosophy of Right*, mediating the sections "Abstract Right" and "Ethical Life [*Sittlichkeit*]". The former section is concerned with *personal freedom* which is the rights and prohibitions of the discrete self as differentiated from the clan or the tribe; claims which involve the recognition and identification of individual persons as rights-bearers with particular desires. Without the historical and philosophical emergence of the *person* (a distinct and discrete element of the tribe), there would be no possibility of the subjective freedom of "I (as individual) want x." The latter section, "Ethical Life", is concerned with the positive duties and obligations of the citizen in the rational state: the good-for-me and the good-for-all of the rational social being must be mediated and harmonised by positive obligations entailed by and arising from the subject's various roles in ethical life.

"Morality" concerns the transition – both developmental and historical – from what the agent ought not to do, to what he ought to do; from *person* to *subject*: "The free individual, who, in mere law, counts only as a *person*, is now characterised as a *subject* – a will reflected into itself so that, be its affection what it may, it is distinguished (as existing in it) as *its own* from the existence of freedom in an external thing." [EG, §503] Moral freedom is also a precondition of social freedom: ethical life is not mine until I as moral agent recognise it as a good and in order to do this, I must be a moral agent who can rationally endorse it. It is for this reason that, even though the Greeks had a harmonious ethical substance, they were not fully free because the substance was, in some sense, not theirs. [VPG, pp. 137-8/106-7]

With the *person*, law enables or obstructs the satisfaction of his subjective freedom ('I want x'). Law determines the claims of individuals within a group and the individual, as a rights-bearer, has to respect the wills of other persons because negation of their rights would entail his non-recognition as a person (and, therefore, the alienation of his freedom). *Personal freedom* is merely in itself, an external purpose imposed on him, be it by immediate inclination or blind obedience to the dictates of authority.

The *subject*, the moral point of view, on the other hand, demands more: he is aware that his actions have to obey positive obligations, the 'good', so that they can express his identity to others: "Its utterance in deed with this freedom is as *action*, in the externality of which it only admits as its own, and allows to be imputed to it, so much as it has consciously willed." [EG, §503] The subject is not only prohibited from acting in certain ways, he is also obliged *by himself* to act in certain ways and his will is no longer merely in itself. Through reflection, the reason becomes known to the agent or, to put it in Hegel's idiom, is for itself rational. As such, the intention becomes something inward, the content of the will is transcended and questioned: is this good for me? Hegel puts it thus: "Only in the will as subjective will can freedom, or the will which has being *in itself*, be actual." [PR, §106]

It is the subject's purpose, which reflects an inwardness as opposed to the external nature of the person, that is most readily named *moral freedom*:

This subjective or 'moral' freedom is what a European especially calls freedom. In virtue of the right thereto a man must possess a personal knowledge of the distinction between good and evil in general: ethical and religious principles shall not merely lay their claim on him as external laws and precepts of authority to be

obeyed, but have their assent, recognition, or even justification in his heart, sentiment, conscience, intelligence, etc. The subjectivity of the will in itself is its supreme aim and absolutely essential to it.

[EG, §503]

Here, Hegel is offering his own version of the Kantian characterisation of Enlightenment, and one cannot fail to see the parallel with Kant's earlier portrayal of the spirit of his age:

Our age is the age of criticism, to which everything must be subjected. The sacredness of religion, and the authority of legislation, are by many regarded as grounds of exemption from the examination of this tribunal. But, if they are exempted, they become the subjects of just suspicion, and cannot lay claim to sincere respect, which reason accords only to that which has stood the test of a free and public examination.⁶

It is significant to note that the claim of the Enlightenment is the identifying mark of moral freedom: it is the coming to age of man. To use a traditional analogy, man has grown into maturity and no longer need rely on the dictates of authority or the motivations of immediate inclination (including social character). When the child wears his seatbelt because his mother tells him to, he is displaying personal freedom. When he comes of age and recognises the validity of the reason as a reason for him, binding on him whether his mother and her law are present or not, then he is exercising moral freedom.⁷

The will which obeys authority or immediate inclination acts only in *itself*, it is not aware of the rationality of purpose. Hegel, in the above quotation, celebrates this modern, moral freedom; it is, for him, necessary for full, human

freedom and any ethical substance which did not recognise and value it would be incomplete and not therefore rational. The subject inaugurates interrogation of one's purposes: he asks if the 'I want x' is a good-for-him, and if he perceives it so, he claims *responsibility* for the purpose as his own.

The inwardness of the moral will involves the agent in relations with others, for in acting upon a reason for itself, the subject seeks to be recognised as a subject over and above his claim to personhood, that is as an agent who acts for a reason for-himself and not from blind obedience or instinct. The agent's action is meant to reflect the positive content of his purpose and be recognised by others as 'good', so the subject's responsibility has to lie, in part, in the others' recognition of his will in the act. If the deed is the alteration in the external world brought about by the will, the action is that part of the deed for which the subject can claim responsibility. [EG, §504] These two are, of course, not identical: in opening a door in ignorance and accidentally knocking the decorator off his ladder, the subject is only responsible for actually opening the door. His deed may have been to knock over the decorator, but his action was to open the door.⁸ The part for which the subject is responsible is that to which the predicate 'mine' can be attached and that is traceable to the subject's reason for action. [PR, §115] Thus, the act is to be described not in terms of a purpose (the particular will's cognisance of an external principle in terms of an internal motivation such as *fear*) but the intention (the universal intelligibility which others will understand in my act):

Purpose concerns only the formal condition that the external will should also be present within me as an internal element. In the second moment, on the other hand, the question arises of the

intention behind the action – that is, of the relative value of the action in relation to me. And lastly, the third moment is not just the relative value of the action, but its universal value, the *good*. [PR, §114, addition]

If a purpose is not recognised internally by the agent, then it cannot be the free will of a subject. Alternatively, it might be external in form such as deep unconscious motivations, the precepts of authority or, more strongly, coercion or natural causality. These all serve to explain an action, but they do not necessarily make the agent responsible for the act. For Hegel, only when the subject is recognised as responsible for his act (as the external expression of intention) is he fully free. Obviously, then, he has to characterise the way in which subjects are held responsible for their actions. He outlines the basis for subjective responsibility in a crucial paragraph:

The expression of the will as *subjective* or *moral* is *action*. Action contains the following determinations: (α) it must be known by me in its externality as mine; (β) its essential relation to the concept is one of obligation; and (γ) it has an essential relation to the will of others. [PR, §113]

(α) The first of these criteria demands a *right of knowledge*: the intention of the agent must be known to the agent himself. Hegel argues that to act from a given, immediate or natural reason is not an actualisation of freedom, the agent must recognise in his action the end to which it is projected; thus agents who act from deep psychoses, hypnosis or external determinations, do not act freely. This element emphasises the first-person priority of the knowledge of an act in that the subject of the moral will (not

necessarily the person, though) has the best access to his intentions. For, it is the moral will, in contrast to the simple desiring will, which has authority over its actions. Hegel elsewhere describes the moral will as "inviolable" and "inaccessible"; that is, the subject is privileged in his description of his purpose and ought not to be contradicted unless it is absolutely necessary.⁹ [PR, §106, addition] This point of view forms the basis of *moral freedom*: "The agent has no less the right to see that the particularity of content in the action, in point of its matter, is not something external to him, but is a particularity of his own – that it contains his needs, interests, and aims." [EG, §505] The intention of the agent is his own well-being, that is his good, so that an obligation arises from the very nature of intention: this is a reason for me in that it is my 'good'. (A good, one should stress, which is not exclusively moral in nature, it can also be self-regarding or prudential.) Therefore, the subject only claims responsibility for those acts in which he satisfies his own free desires, projects and aspirations.

(β) Secondly, action demonstrates the subject's essential humanity in that holding the end to be a binding good, he posits an external relationship to it of obligation or duty. The animal has no choice but to obey its desires, neither does the small child; they bear little responsibility for their actions: subjective freedom for them – and to a similar extent for the *person* – resides in the satisfaction of the will's desire whatever its content may be. With fully developed subjects, values override other desires and they recognise that the (apparently) external ends of actions necessarily belong to the subjects themselves. Values are not to be understood in opposition to desires, rather they are the articulation of desires which the subject believes are worth having.¹⁰ And, to repeat, these values need not be exclusively moral since

responsibility concerns all self-regarding actions (self-interest, prudence and morality).¹¹ The process described above as interrogation permits the recognition of the 'good' of the subject's purpose, be it moral or prudential, and he perceives it not only as a desire to be satisfied (personal freedom) but a desire *worth* satisfying (moral freedom). Responsibility requires that the subject self-consciously know and freely choose his purpose for the predicate 'mine' to be attached to the action.

(γ) Thirdly, it is necessary that others recognise the action as *one's own*. The action must express the implicit humanity (obligation) rather than appear to be a *mere*, immediate purpose and this entails that others must concur with me and my description of the good, otherwise they will continue to treat me under the category of personhood. Intention, therefore, requires recognition by others: "The implementation of my end therefore has this identity of my will and the will of others within in it – it has a *positive* reference to the will of others." [PR, §112] The first-person may be the sole judge of what is good, but his judgement is constrained by the interpretation of the other. The agent has to be aware that his act ought to accord with the expectations of his form of life, otherwise his intention will be either misdescribed or ignored. First-person accounts of action must be intelligible to the other and this requires a standard, communal scheme of interpretation. The third criterion holds that the intention must be validated by the other.

One way to characterise this is to say that the justification of one's good or end involves one in the activity of reason-giving and this activity is, for Hegel, inherently social. There are no constraints on a will which justifies a good or a purpose to itself, one is able to convince oneself that anything

may be good. Reasons for action require a degree of objectivity for Hegel and this is based on reasons being a justification for all men who share my way of life rather than just for me; that is, an actual reason rather than just wilfulness. Thus, in giving reasons, the agent knows if they are good reasons if he can convince others. It follows from this that the agent's description of his intention must harmonise with the other's interpretation of the act. A man unaware of the way in which a certain act will be interpreted, that is how his reasons for action will be reconstructed (the tourist abroad) is not responsible for any offence caused (although he still may be held culpable).¹² Reciprocally, the agent is only fully free when he is aware how his action will be interpreted. The will of others contained in one's own will is this shared scheme of interpretation in and through which we reconstruct intentions.

To briefly recapitulate, Hegel's theory of action arises from a consideration of the responsible subject. He sketches what he believes are the necessary and sufficient conditions for free, moral (to use his broad term) action. It is necessary that the intention be known to the agent. People who act from neuroses or hidden motivations are not responsible for their acts. However, this is not sufficient: it could possibly be the case that a neurotic was aware of a deep trauma motivating a specific symptom, but still be unable to act otherwise. More explicitly, the coerced agent cannot be a free agent: the bank teller who hands over the money to the armed robber is not truly doing what he wants even though he is aware of his own intention. Therefore, the subject has to freely endorse his end. Hegel puts this in terms of obligation: the intention is to be known as a good-for-me. In the case of coercion, the bank teller has a conflict of goods: self-preservation versus fulfilling his role. The former motivation trumps the latter but the agent is not

free because he is not acting from his own will, it is the presence of an external factor which obstructs his free action.

It would seem that these two are necessary and sufficient conditions for free action, yet Hegel adds his third determination: the intention has to be capable of reconstruction by others from the objectivity of the act itself. Hegel's originality resides in this third criterion, his theory of action retains the traditional concept of the right of knowledge of the subject, but tempers it with an objective constraint. Why is it that Hegel feels it necessary to invoke this third criterion?

The three determinations of action are further developed in a later paragraph, which names the two other rights over and above that of knowledge:

The *right of intention* is that the *universal* quality of the action shall have being not only *in itself*, but shall be *known* by the agent and thus have been present all along in his subjective will; and conversely, what we may call the right of the *objectivity* of the action is the right of the action to assert itself as known and willed by the subject as a *thinking agent*. [PR, § 120]

The *right of intention* entails that the description of an agent's intention must be true and the agent must recognise it as such. Moreover, the intention must be determined by the *right of objectivity of the action* whereby the interpretation of the will's intention requires a standard model of meaning; that is, a communal, inter-subjective understanding through which actions are to be recognised, categorised and judged. Without the self-certainty granted by knowledge of these categories, the subject is always unsure whether or not he has been properly recognised or if his intention can be

reconstructed faithfully from his action.¹³ The tourist abroad is not fully responsible until such time as he comprehends the way in which his actions are to be judged. To do this, he has to understand the expectations of others as constituted by the demands of ethical life, customs and social mores. *Sittlichkeit* is necessary for and supplements moral freedom in that it makes the recognition of a subject's intention certain. It is for this reason that the first two criteria on their own are not sufficient for Hegel; without the moment of certain recognition, the agent cannot be fully, morally responsible.

Action and responsibility, for Hegel, entail, firstly, the right of knowledge which holds that the reason on which the subject acts has to first be transcended and interrogated in terms of appropriateness: "the fact that this moment of the *particularity* of the agent is contained and implemented in its action constitutes *subjective freedom* in its more concrete determination, i.e. the *right* of the *subject* to find its *satisfaction* in the action." [PR, §121] Subjective, moral freedom arises from the right of knowledge (this is *my* intention) coupled with the right of intention (is this a good *for me*). It is more than the subjective freedom of the person constitutive of "Abstract Right": the 'I want x' becomes 'I want x because it is (a) good for me'.

Yet, moral freedom has to be constrained by the right of objectivity. If the subject's acts are to be the expression of inwardness, then he must be certain that the other is going to reconstruct them faithfully. They must share a common understanding of the way in which acts are to be rendered intelligible. Such an understanding can only be inferred from inhabiting a shared form of life with its conception of the good and goods. The good-for-me of the subject, if valid, has to accord with the good of his social situation as interpreted via the variety of roles he occupies in his form of life. The agent

knows the good in question because it is made immediately available to him through fulfilling his roles in the family (parent, child), civil society (worker) and the state (citizen). If I wish to be known as a good father, then my acts must accord with those judgements which accompany a good parent (love, generosity, discipline) and not those which are generally frowned upon (indifference, prodigality, severity). However, the three modern institutions (family, civil society, political state proper) are only the most formal descriptions of those categories by which I will be judged, for within these my duties arise from my role in the family, my class and vocation in civil society and also my political sphere.

The freedom of the *person* is abstract right, which involves the right to demand satisfaction of one's own individual wants and desires with minimal consideration of others. [PR, §36]¹⁴ This freedom is both made possible by and tempered the objective requirements of property and law. [PR, §41] Abstract right has not been discussed in any detail above, but Hegel may well have Locke's insights in mind here: my right to life and liberty (my right to want and satisfy x) are precarious unless situated within a context of property (in order for them to be substantial) and law (in order for them to be respected).¹⁵ The freedom of the *subject* is moral action, which involves the elements of personal freedom, but adds an account of the endorsement of reasons for action as my own and not mere inclination or dictates, a practice which is made possible and tempered by the objective realm of good reasons as legitimated by my peers. And, as was stated earlier, these elements are further developed into the two constraints of social freedom. The freedom of the *ethical person* is social freedom, which once again involves subjective and objective elements.¹⁶ Furthermore, as was originally

claimed and can now begun to be seen, it is the moral freedom of the subject which forms the basis of social freedom: the right of knowledge develops into subjective social freedom and the right of objectivity of the act develops into objective social freedom.¹⁷

The two elements of social freedom and their relationship to one another are first characterised as:

The right to recognize nothing that I do not perceive as rational is the highest right of the subject, but by virtue of its subjective determination, it is at the same time *formal*; on the other hand, *the right of the rational* – as the objective – over the subject remains firmly established.

Subjective social freedom stipulates that a law, institution or even a conventional cultural more be recognised as valid for the agent by himself. This is crucial otherwise it is possible to describe the coerced or deceived as free when it is done in their own good. However, this is only formal because the subject cannot generate good for himself. Yet, this formal condition of the subjective will – that I, as moral agent, be able to endorse the good – should not be undervalued: any society in which formal endorsement is impossible – that is, any society that does not maintain the enlightened, moral subject – is unfree because I am unable to recognise my own freely endorsed goods and, hence, I am not a fully free agent.

Objective social freedom is the institutional and social structure of the world which makes it possible for the person or subject to satisfy his subjective freedom. Hegel's substantial account of objective freedom is complex and extensive, but it is enough to describe two main features (though, these are not the only ones): (1) laws and institutions of the rational state have to secure

the basic material needs of the members so that agents are not bound by their immediate desires (they are free from dependence); and (2) it must be possible for agents to endorse the laws of the rational state and recognise their underlying rationality such that it is something which they would freely do.¹⁸ Hence, the nuclear, bourgeois family frees the individual from dependency on the sexual drive without obstructing his personal freedom as did earlier familial structures. Similarly, civil society frees the agent from dependency on material needs. Moreover, both institutions enforce individual rights and inform the agent of his duties in such a way that his character develops to become free and reflective: the family develops one's moral subjectivity, whereas civil society is instrumental in the formation of the agent as a discrete, particular individual with different wants from all others. Taken together, they supply an identity, a sense of self in which the agent is certain of recognition by others without surrendering any of his particularity.

In fact, part of this satisfaction made possible by objective freedom resides in the certainty of recognition. Whether it be the regulations of civil society which govern transactional and property law satisfying the subjective freedom of the person (I want x), to the more robust and complex institutions of the rational state which satisfy the subjective freedom of the moral subject (I want x because it is (a) good), the roles and dictates of ethical life not only determine the content of the will, but they also allow the other to recognise, categorise and judge the acts of the subject.

The right of knowledge and the right of intention drawn together in the right of objectivity constrain full, moral action and necessitate the movement to an objective, immanent doctrine of ethics. In the passage cited above,

Hegel deliberately runs together objectivity and the rational as the true determinations of the subject. [PR, §132, remark] Ethical life is not merely a form of life which determines and harmonises the good, *rather* it is a rational order of determinations which harmonise due to their implicit order. The difference can be understood in that the former case holds only that the objective, institutional order coupled with the subjective knowledge of these determinations constrain the actions of the subject within the bounds of intelligibility given *whichever* form of life; or just because humans *happen* to exist in communities. The latter – Hegelian – position holds, on the contrary, that objective freedom satisfies the requirements of the subjective will since moral subjectivity demands a characterisation of the good but is unable to generate it for itself. Objective freedom – the right of the rational – satisfies the requirements of personal freedom in civil society (the possibility to satisfy 'I want x') and also moral freedom in a robust and substantial account of the good (the possibility to identify and recognise the 'I want x because it is a good'). Without this objectivity, the moral will would fail because it cannot inwardly determine the nature of the good. Conversely, objective freedom which is not rational and is only immediate in the reality of the subject's form of life, is a blind authority which determines the subject without the moment of transparency essential to full, human freedom. It is an external authority acting as a *cause of* rather than a *reason for* action.

Subjective (both personal and moral) and objective freedom are implicit in and arise from Hegel's theory of action and, furthermore, that the fact that they originate in his discussion of "Morality" is necessary in order to bridge metaphysical freedom and social freedom. Hegel's originality lies in the right of the objectivity of the act, which is a necessary condition for

action since it supplies the certainty of recognition required for responsibility. The modern moral subject would not be fully free unless there is an objective account of the good which constrains the identification and recognition of intentions (objective freedom) and reciprocally the formal moment that these goods be endorsed as freely chosen goods of a particular agent (subjective freedom). [PR, §§7, 23]

§3 | The necessity of the right of objectivity for responsibility

The critique of Kant is the negative reason for the appropriation of an immanent doctrine of duty, but given Hegel's moral theory of action, it can also be read in another way. The point by point attack on a transcendental moral will supports the assumption that the right of objectivity is a necessary condition for responsible action. It would be pertinent just to offer a brief reminder of these points:

(1) The moral point of view has to be constrained because it is infinitely powerful and can posit (or negate) any good whatsoever as universal good. Due to the abstract nature of the Good, the conscience can endorse any content subjectively. [EG, §§510, 511] Pathological examples of this phenomenon include asceticism, the Terror of revolutions and the stance of irony:

Although it has a relation to this objectivity, it at the same time distances itself from it and knows itself as that which wills and resolves in a particular way but may equally well will and resolve otherwise. – 'You in fact honestly accept a law as existing in and for itself' [it says to others]; 'I do so, too, but I go further than you, for I am also beyond this law and can do this or that as I please. It

is not the thing which is excellent, it is I who am excellent and master of both law and thing; I merely play with them as with my own caprice, and in this ironic consciousness in which I let the highest of things perish, I merely enjoy myself.' [PR, § 140, remark]

The ironic stance negates the objectivity of value in favour of its own individual power, that of the subjective will of the agent: "... it is no longer someone else's authority or assertion that counts, but the subject itself, i.e. its own conviction, which can alone make something good." [PR, § 140, remark]

Here it is only necessary to remind the reader that, for Hegel, reason-giving is a social and not a theoretical activity, certainty can only be granted to the subject from another subject not from himself.

(2) The belief that the rationality of the subjective will can supply determinations for the will from pure reason is simply misguided because it is too abstract. [EG, §§ 506, 508] The subject is unable to generate determinations of the will out of his reflective understanding, its abstractness needs to be overcome by objective determinations; that is, the individual can only be free in an objective, moral order which expresses his intelligibility and informs his intentions as to the way in which their external nature will be comprehended by others; that is, in a moral fabric which makes the satisfaction of his rational desires and aspirations possible. Universal values such as respect, sympathy, goodness are available for the subject but how one is able to express them is relative to the substantial moral fabric which one inhabits. Shaking someone's hand might be a sign of respect, but it could just as equally be an action which causes great offence. Hegel's point is simply that the nature of universal moral imperatives which are derived

from reason is not that they are wrong, but simply that they need to be substantial and substance comes from social practices. [PR, §261, addition]

(3) The subjective will cannot overcome conflicts of duty. The subjective will unconstrained by the right of objectivity will generate contradictions with three main origins: first, between the many kinds of duties (family versus the state). [EG, §508] Secondly, conflicts between self-interest and other duties (my particular well-being versus the duties of my workplace). [EG, §509] The problem with conflicts of duty is a deep one for Hegel because he finds Kant's division of reason from inclination uncomfortable. Freedom is self-determination, but if duty contradicts happiness can I truly be said to be acting from my own will if it is true that I still want what I did not do? Kant will say that the rational self is the true self, but Hegel cannot accept that since the human is a sensuous creature, so he assumes that happiness and inclination should not be excluded by reason.

The significance of these points can be exemplified through the use of one of the most commonly invoked moral conflicts: the mother who has to decide whether or not to steal to feed her starving child. The immediate determination of the family, the naturally binding duty of the maternal bond, gives rise to the desire to protect, feed and sustain the child. This is the good-for-mother. Yet, her role in civil society determines that she recognise the rationality of the right to property and this, too, is a good. The universality of good means that these two goods should harmonise, yet the moral conscience is quite able to accept one as right at the expense of the other in one moment, then – in the next second – to reverse such a description. For Hegel, the moral conscience itself cannot decide between conflicting determinations of the will and, if it does so, such a decision is wholly arbitrary.

The solution is to make a demand on ethical life: what is it that gives rise to the conflict? That a child be fed is a good and that the right of property be respected is a good, so such a society in which a conflict between these two is felt, is *not* rational. The conflict can only be overcome when objective freedom, granted by the institutions of ethical life, eradicates the existence of the mother's need to steal and her subjective freedom can be satisfied. (Through the supply of basic needs as a right (the welfare state) and the eradication of poverty, or legal recognition of her subjective freedom adjudicated in a court.)

Hegel realises that the abstract nature of the good cannot be created from the top down and theoretically tested. It is not truly possible for the agent to declare what the world ought to be like in all certainty given the dictates of reason. Instead, the moral subject must begin from the existing world and its institutions since the constraint of objectivity involves the idea that the good must be intelligible to these institutions. Only in such a way can subjective freedom meet the constraint of objective freedom and, reciprocally, it is this very objective freedom which grants the subject the certainty of recognition he requires to satisfy his actions. Therefore, it is only the ethical person who is truly free:

The ethical person is conscious of the content of his action as something necessary, something that is valid in and for itself, and this consciousness is so far from diminishing freedom, that, on the contrary, it is only through this consciousness that his abstract freedom becomes a freedom that is actual and rich in content, as distinct from freedom of choice [*Willkür*], a freedom that still lacks content and is merely possible. [EL, §158, addition]

The objective freedom of ethical life makes possible the satisfaction of rational desires, projects and aspirations and this is an elaboration of the right of objectivity present in the abstract theory of action; a right which renders apparent the requirement of shared categories from which the subjective intention can reliably be reconstructed (as in the case of the mother). Ethical life is the substantial description of the possible determinations of one of its members and is, then, liberation and freedom because it purifies and rationalises the drives of the individual. [PR, §19] Objective freedom is freedom because it liberates the subject in three ways: (α) from a dependence on immediate drives; (β) from having to produce the categories for comprehension (values, rights and duties) for himself *ex nihilo*; and (γ) from the need to determine good from his own conscience. [PR, §149] The three institutions of modern society – that is, the liberal, bourgeois family, civil society and the modern political state – all combine to fulfil these conditions of objective freedom. It is these determinations of ethical life which constitute the objective freedom of the subject in that they enable him to satisfy his desires, wants and aspirations, to simultaneously pursue the good, and to be certain of recognition by the other. [EG, §538] Hegel's claim, then, is that the subject as he has described it in "Morality" can only be fully free when his or her objective freedom is secured by these modern institutions.

Sittlichkeit is, in one sense, the world constructed by social reasons for actions. It supplies motivations and obligations for the agent in virtue of his membership and his role in this institutional order. A red traffic light does not *cause* a driver to stop, it *means* stop and the driver's response is a habit arising from the institution of driving. Similarly, clouds are a reason for carrying

an umbrella and not the cause of carrying the umbrella. Clouds cause rain, and the habitual response (as supplied by social mores and customs) to the possibility of rain is the carrying of an umbrella. Furthermore, on seeing an agent carrying an umbrella, one is generally aware that he believes there is a possibility of rain and that he intends to stay dry. In this sense, *Sittlichkeit* is a "second nature", the world is constituted by social rather than natural reasons for action. [PR, §151]

One more point needs to be made. These reasons remain reflective even if they are not reflected upon. This difference is probably best illustrated by Hegel's own distinction between reflective (the state) and unreflective trust (the family). The difference lies in the possibility of articulating and therefore sharing one's reasons for action. If I am to save my child from drowning or, on a lesser scale, to provide for the material needs of my family, I cannot truly articulate the reason why I fulfil this role. The best I can manage is "Because they are my family." Moreover, someone who demands that I justify my reasons for these actions is simply inhuman, not in the sense of evil, but in the sense that they cannot truly comprehend what it is to be a human being. These reasons, then, are immediate and unreflective and trust in one's family members is based on the same disposition.¹⁹ The reflective trust in the state, however, is open to scrutiny; this is the formal requirement of subjective, moral freedom. It is perfectly sensible to demand a justification of a particular law, social duty or more and why I should act in accordance with it. The point is, agents rarely do demand justification and as such express a reflective trust in their state; its laws and institutions are open to legitimation and the state must make the scrutiny by the agent possible, but this need not be carried through every time a demand on the citizen is made. A useful

analogy is differentiation in mathematics. All of us are quite happy to use the formula " nx^{n-1} ", but in order for us to be certain it must be possible for us to carry out the calculation from first-principles. The laws of the state are a type of shorthand of the good, but which must remain possible objects of legitimation even when not perpetually legitimated.

Consequently, the subject as a member of this order has an identity which motivates him in certain situations:

... subjective *freedom* exists as the covertly and overtly *universal* rational will, which is sensible of itself and actively disposed in the consciousness of the individual subject, whilst its practical operation and immediate universal *actuality* at the same time exist as moral usage, manner and custom where self-conscious *liberty* has become *nature*. [EG, §513]

It is this which overcomes the abstract and formal nature of the 'ought' which results from the subjective will: "Thus, without any selective reflection, the person performs duty as *his own* and as something which *is*; and in this necessity *he* has himself and his actual freedom." [EG, §514] The member of *Sittlichkeit* can perform his duties – possibly from habit, that is without any "selective reflection" – because they constitute his identity. It is not how he *should* act, it is how he *does* act (I drive on the left because I am English) and he can be certain of recognition as an agent through fulfilling the dictates of these roles. The subject has "trust" in the objective social order and its rationality. [EG, §525; PR, §147] (It is similar to "trusting" that it will rain on seeing clouds: the underlying rationality need not *always* be made apparent.) *Sittlichkeit* can therefore be best understood as:

All these substantial determinations are *duties* which are binding on the will of the individual; for the individual, as subjective and inherently undetermined – or determined in a particular way – is distinct from them and *consequently stands in a relationship to them* as to his own substantial being. [PR, §148]

It is both the objective social order embedded in institutions and also the substantial identity of the agent as a member of these institutions.

§5 | The dangers of the purely objective will

The aim of this paper was to show that Hegel's immanent doctrine of duty arose not just from his rejection of transcendental ethics but also from his own account of human moral action. I believe I have shown above that Hegel's theory of action necessarily requires objective freedom which can only be supplied by *Sittlichkeit* even if I have not gone into the fine details of his account of ethical substance. In justifying this claim it was also hoped that an answer could be ventured on the question whether Hegel does or does not negate the subjective right – or moral conscience – in the full account of *Sittlichkeit* offered in the third section of the *Philosophy of Right*. This question is to be answered by asking whether such a negation could actually be consistent with his theory of action as it has been presented here.

It has often been supposed that the account of objective freedom demands too much: if *Sittlichkeit* is immediately motivating through habit or second nature without “selective reflection,” then is the slave free in acting out the duties of the slave? The right of the rational, after all, was to be “firmly established” and it is clear that Hegel's theory of action implicitly involves the notion of *Sittlichkeit* in that the moral agent requires objective determination

to be certain of recognition and, hence, to be fully responsible. Hegel is emphatic in the restriction of the sphere of subjective freedom by the right of objectivity: that is, the subject's good must be intelligible in terms of his place within *Sittlichkeit*, yet this seems to swallow the possibility of protest. What happens when the right of subjective freedom (I do not satisfy myself in the actions of a slave) comes into collision with objective freedom which demands that I fulfil these duties to be comprehended?²⁰

It is the objective structure of Hegel's account of *Sittlichkeit* which grounds the non-liberal interpretations of his work. In the third section of the *Philosophy of Right* Hegel lists, interrogates and attempts to actualise the social institutions which existed in the Prussian state; at each step of the argument, the subjectivity of individuals appears to play second fiddle to the role demanded by the institution itself. However, it is perhaps best to divide the problem into a strong and a weak version and to respond to them separately. The strong challenge to Hegel's social philosophy is this: the moral conscience described in "Morality" is negated in the section "Ethical Life", which is to say objective freedom trumps subjective freedom.²¹ The duties of the agent in ethical life are to fulfil his or her roles adequately and freedom consists solely in actions which are in accordance with one's duties. There is no possibility of social critique, no way to protest against the obligations of my role because such action will not conform with the categories which give my action meaning and will become mere wilfulness.

Yet, if one is to take seriously the role of the moral theory of action which precedes the account of ethical life, then it is clear that subjectivity still has a role to play in the objective freedom of *Sittlichkeit*. For Hegel, moral subjectivity remains a necessary and integral part of the free, rational state.

The quotation which best reflects the right of knowledge within *Sittlichkeit* stresses this necessity: "When the existing world of freedom has become unfaithful to the better will, this will no longer finds itself in the duties recognized in this world and must seek to recover in ideal inwardness alone that harmony which it has lost in actuality." [PR, §138, remark] The subjective constraint, then, must be reciprocally effective on the objective order of things and is so through the necessity that the actualisation of social ideality requires self-conscious knowledge: the free, rational state is not one in which the institution of slavery could exist; its rationality cannot be actualised as all persons are to be considered equals in the free, rational state. [PR, §§36, 155] Thus, the subjective constraint may be ruled by the rational, but so must objective freedom: to bring out the implicit rationality underlying a social custom, that is to actualise it, requires that the subjective will be *capable* of endorsing it; or, finding it rational *for itself*. This involves the implicit right of knowledge and subjective freedom. This is the difference which Hegel repeatedly marks between Ancient Greek society and modern society.²²

This Hegelian response depends upon rational legitimization which is governed by endorsement. For an act to be moral, rather than just intelligible, the agent must know and endorse the reason why he acts. A reason in-itself rational is immediately motivating. It serves to *explain* an act. 'Why does the child wear his seat-belt?' 'Because otherwise his mother will shout at him.' The real reason is for the child's safety, yet the child is unaware of this fact. The reason in-itself, that is, the fear of punishment is particular to this child. It binds and obliges only this particular agent to wear his seatbelt (the reason explicitly refers to his own mother). However, the rationality of the act is present in the idea of safety. As the child grows, he comes to realise

that the reason for wearing a seatbelt is to protect himself; that is, he recognises the good as his own. He rationally legitimates the act – or actualises the latent rationality of the existing structure – and recognises that not only is he reasonable to his mother and her expectations, but also to himself: this is an act which is rational for him not just his mother. This reflects the inherently social nature of reason-giving described above. Only when objective freedom makes possible the satisfaction of desires which can be freely chosen, known and transparent, is the agent fully responsible. Thus, for fully free, responsible action, the right of knowledge has to be met. Only when the agent is recognised as responsible is he fully free and only when agents are fully free is a social order rational.

The rational system of the will's self-determination, for modern man, is self-conscious knowledge of the underlying necessity implicit in the customs and mores of *Sittlichkeit*. It is 'customary' to wear a seatbelt, and one wears it without much "selective reflection," but, it is possible to actualise the custom; that is, to make apparent its rationality to the knowing subject. It is obvious that the reason accords with the subject's personal and moral freedom and is rational. It seems that a subject is only responsible when his motivations are reflectively endorsed. Otherwise one must speak of force or coercion with an appropriate reason for action such as fear, embarrassment, *et al.* This is to again invoke Hegel's right of knowledge. Such rationality is embodied in social customs and determines reasons for actions for the member of specific institutions, workplaces and families. one can demonstrate to oneself and to others that the action is justified by a reason which meets the requirements of the rights of knowledge and intention. Objective freedom *makes possible* the satisfaction of subjective freedom,

rather than – as many commentators hostile to the Hegelian picture suppose – *determining* the content of subjective freedom.

The right of knowledge is, therefore, not negated in the third section of *The Philosophy of Right*, but it becomes the social practice of expressing rational action. Social roles do not determine an agent, they make rational action in pursuit of the good possible. This brings us to the more telling weaker version of the challenge, though. If reason giving is inherently social as Hegel holds, then surely the tendency will be – in cases of conflict between individual good and social good – to side with the familiar and conventional. With the stronger form of the challenge, social protest is impossible and irrational, but this is to negate absolutely the right of knowledge of the subject. The weaker form of the challenge does not fully negate the right to knowledge: one is able to deny the determinations of one's role when one cannot endorse its rationality. However, given that this endorsement is a social practice, protest stemming from the moral conscience is ultimately mute since the right of objectivity, that my actions be rational for others, implicitly commits Hegel to conservatism. Endorsement amounts to nothing more than yes-saying: the subject reflects upon his duties and recognises that they accord with objective determinations. The strong challenge pictured Hegel rather unconvincingly as a strong communitarian who believed agents are identical with (rather than identified with) their roles. The weaker challenge is more persuasive, Hegel appears committed to conservatism which means subjective freedom may be compromised by social pressure because the social nature of reason-giving means the conventional will often trump the true.

The first point to mention in response to this is to simply admit Hegel is a conservative, that much is clear both from his continued critique of the use of abstract right in political theorising and in his tinkering with – rather than overhaul of – the Prussian state.²³ Furthermore, the reasons for his conservatism, especially in the aftermath of the French Revolution, are perhaps justified. However, conservatism does not necessarily commit him to quietism in the face of one's duties in the state. A protest against the claims of my role, and ultimately against the state, will arise when my moral conscience dictates a good which comes into conflict with the good of my role. If the good can be justified as a legitimate good recognised by others, then the subject is in the position once more of non-freedom: his will suffers from duality. If the good cannot be justified to others, then the individual is being arbitrary. Critics of conservatism will hold that the latter will always be the case since Hegel holds that the good is determined by *Sittlichkeit*. However, this is only if the goods of citizen, worker and family member harmonise. If they do not, then there is room for the moral conscience and right of knowledge to legitimately challenge the authority of the state expressed through the dictates of those roles.

How is one to understand this given Hegel's overall political and social theory? The paradigm case of protest on the basis of moral conscience would be the breaking of laws or the non-fulfilment of duties in order to refuse the state's decision to fight in an unjust war. If the charge of conservatism is correct, then the subject reflectively questions but ultimately endorses his role as citizen to fight when the state calls on him to do so. The rational endorsement Hegel offers will be seen as no better than a mere yes-saying to authority.

On liberal accounts, social protest is permitted when the state demands something which threatens those very interests which it is supposed to protect. Hence, the agent will be obliged to fight in a war in which his interests are protected or furthered (broadly speaking), but not to throw away his life for any other reason. Thus, one can say the agent has a *positive political duty* to obey the laws of the state and fulfil the duties of his role within the state and that this is based on a prior *natural political duty* which is to comply with the political order based on a deeper account of moral justice or the good which positive law is enacted in order to protect and secure. Thus, for social contract theorists, one consents to the state in order to secure and further one's natural rights, and this consent can be taken back when the state no longer protects or secures these rights.

However, for Hegel the state is good in itself and not just as a means to attain the good for its members. He is able to agree with the positive political duty above (although it is perhaps better to speak of positive *ethical* duties in his case), but his reasons for doing so are not based on a natural duty, since without the state, the agent cannot be moral. The state is essential for the subject's morality and hence it embodies or makes possible morality, rather than protecting and enforcing it. If this is the case, then obviously one's morality is only at odds with one's social order when one is mistaken. The weak challenge seems to be correct and severely limit the role of the moral conscience in Hegel's full social theory.

This is where I believe a proper understanding of Hegel's theory of action demonstrates that, though Hegel is a conservative, he does leave room for social critique. The theory of action allows one to offer a Hegelian alternative to the liberal natural political duty. For Hegel, this is the role which

is to be played by objective freedom: the agent's natural duty to comply with positive political duty is due to the fact it makes him independent (of needs and illegitimate authority), self-willed and certain of recognition by others. In short, the agent obeys positive law in order to be free and freedom is the fundamental value embodied and made possible by a rational state. Remember, that without the subjective endorsement of the morally free agent, the duties of *Sittlichkeit* are not actual duties. [PR, §138, remark]

Thus, protest is permitted when positive political (ethical) duties contravene the natural duty, that is when objective freedom no longer maintains the agent's subjective freedom and, therefore, his humanity. A state can only be free when its members are free, similarly a subject can only be free in a free state. If the moral conscience is a mere yes-saying then they are not fully free, it is necessary that endorsement is more robust. If a motive is to justify an action as well as explain it, then it must be known by the agent himself and it is this self-conscious knowledge which constrains objective freedom: the subject can only endorse those reasons which do not obstruct or (irrationally) limit his subjective freedom. *Sittlichkeit* is a second nature, but it is not unconscious or hidden. The right of subjective freedom remains so that the rationality implicit in social customs can be endorsed and is not just accepted. The inviolable right of knowledge present in the theory of action holds good in ethical life: the subject's description of his intention has to be enabled by the objective freedom of ethical life if it is to meet the criterion of responsibility. The principle of action is internalised and made one's own: "This essential being is the union of the *subjective* with the rational will: it is the moral Whole, the *State*, which is that form of reality in which the individual has

and enjoys his freedom; but on condition of his recognising, believing in, and willing that which is common to the whole." [VPG; p. 55/38]

This allows a space for social criticism originating from the moral conscience. For example, the duties of her role as citizen inhibited Antigone's freedom in dividing her will between family and state law and hence making self-determination impossible. Historical examples would include slavery and apartheid in which fulfilling one's civil role inhibits one's personal freedom. Similarly, on Hegel's own account, his descriptions of the role of women in the family, the rigidity of social class and the postulation of a hereditary monarch possibly contradict the requirements of equality and careers open to talents which he espouses as necessary for the state to be rational. Moreover, these institutions make it impossible for certain agents to fulfil themselves as human beings since other agents cannot recognise what they truly are: they remain identical with their role and, hence, not free. These, of course, are open to interpretation and I only throw them somewhat glibly in here to demonstrate that, though Hegel's conservatism does not rule out social criticism stemming from the moral conscience, he is often – I believe – guilty of lazy conservatism in describing elements of institutions which are not rational on his own account. Such a discussion is, however, beyond the scope of this paper, but these do illustrate possible areas in which the moral conscience has a proper claim against the duties of the state and this is but an extension of the theory of action's stress on responsible, free agency. To return to the paradigm case, the waging of an unjust war would be impossible for free subjects to endorse and to remain fully free, as Hegel describes it, although, he does leave rather a broad definition of just war. [PR, §§325-328] Again, I feel it is sensible to interrogate his substantial claims with

his own earlier theory, but this paper has sought only to ground such a critique (and, consequently, any critique of our own social fabric) rather than carry it through.

§5 | Conclusion

The moral point of view remains an integral part of the rational state, but not because it generates moral principles. Determinations of the will arise from the institutions and their conception of the good in which the agent participates. It is the endorsement of institutional, objective dictates when they meet both the constraints of objective and subjective freedom. The account of subjectivity generated by Hegel's theory of action places certain demands on ethical life. Ethical life constitutes the objective freedom of the agent in that it determines the limits to his subjective freedom, but if a particular desire, aspiration or project is not possible – or, worse, if ethical life coerces the subject into appropriating a role which obstructs the satisfaction of subjective freedom – then, the subject is not wholly responsible for his action and, thus, not fully free. The objective constraint rules out unintelligible and wrong behaviour in that the agent knows right and wrong through the dictates of his institutions and from his substantial identity. Reciprocally, the subjective constraint rules out false consciousness and irrational institutions in that the good of the moral will must be satisfied:

Freedom is only present where there is no other for me that is not myself. The natural man, who is determined only by his drives, is not at home with himself; however self-willed he may be, the *content* of his willing and opining is not his own, and his freedom is only a *formal* one. [EL, §23, second addition]

For man to be free – that is, to be *at home* with himself – the content of his will must be *his own*. For the existing social world to be actualised, then the underlying rationality of its dictates and obligations has to be known and endorsed by the thinking subject, but such an endorsement cannot be mere yes-saying (or formal as the above quotation describes it).²⁴ Freedom is formal when I am able to satisfy my desires (personal freedom), but it is substantial when I satisfy desires which are my good. Yet, this does not rule out coercion for my benefit (the child). In order for a human being to be fully free, his will must be satisfied, substantial and moral (the good must be recognised as his own good, not merely his own unreflective good). This is the role of moral freedom and without it, the will of man is no better than the slave or the child. [PR, §26]²⁵ The purely subjective will is arbitrary, whereas the purely objective will can have unethical content; they have to reciprocally constrain one another. The subjective will remains an integral part of modern *Sittlichkeit*.

It was suggested that the account of subjectivity which arises from a thorough reading of Hegel's theory of action plays a determinate role in *Sittlichkeit*. It does so because the two central concepts of the third section of the *Philosophy of Right* – that is, subjective and objective freedom – originate from the rights of knowledge, intention and objectivity of the action which characterise the abstract acting, moral will. Objective freedom is necessary for and supplements – which, is to say, ethical life *actualises* – personal and moral freedom. Without the categories of ethical life, it would be impossible to form judgements concerning the intentions of others. Thus, it is the substantial form of the right of objectivity of an action. Reciprocally, subjective freedom interrogates and justifies objective freedom. If the

subject cannot, or is obstructed from, satisfying his rational desires, then he is not free and responsible. He, then, has a legitimate claim against the state arising from his own moral conscience. So long as the claim is unresolved, freedom is an impossibility and the institutions of ethical life are no longer rational. It is this right of knowledge which constitutes the role of the moral will in *Sittlichkeit*. Morality remains an essential element of modern *Sittlichkeit* since, to actualise the rationality of existing social structures, this rationality has to be self-consciously known. This should serve to dispel the myth that Hegel is a hard communitarian who believes that a subject can be described only in terms of his role and membership in a society. Objective freedom does not envelop subjective freedom since the goods of my social being have to be endorsed as *my own goods*. Therefore, the reciprocity of subjective and objective freedom allows man to actualise his existing social order through the maximal rationalisation of his institutions and customs.

Abbreviations to the cited works of Hegel:

All references are given by paragraph (§) or page (p.) number. Where the German and English references differ, the German is given first.

- EG *Enzyklopädie der Philosophischen Wissenschaften im Grundrisse dritter Teil: Die Philosophie des Geistes* Moldenhauer, E & Michel, K eds. Frankfurt am Main: Suhrkamp; 1993
Philosophy of Mind: Part 3 of the Encyclopaedia of Philosophical Sciences with the Zusätze trans. Wallace, W & Miller, A Oxford: Oxford University Press; 1971
- EL *Enzyklopädie der Philosophischen Wissenschaften im Grundrisse erster Teil: Die Logik* Moldenhauer, E & Michel, K eds. Frankfurt am Main: Suhrkamp; 1993
The Encyclopaedia Logic: Part 1 of the Encyclopaedia of Philosophical Sciences with the Zusätze trans. Geraets, T, Suchting, A & Harris, H Indianapolis, USA: Hackett Publishing Co.; 1991
- NL *Über die wissenschaftlichen Behandlungsarten des Naturrechts, seine Stelle in der praktischen Philosophie und sein Verhältnis zu den positiven Rechtswissenschaften*; pp. 453-480 in *Jenaer Schriften 1801-1807* Moldenhauer, E & Michel, K eds. Frankfurt am Main: Suhrkamp; 1990
On the Scientific Ways of Treating Natural Law, on its Place in Moral Philosophy, and its Relation to the Positive Sciences of Right; pp. 118-139 in *Political Writings* trans. Nisbet, H Cambridge: Cambridge University Press; 1999
- PR *Grundlinien der Philosophie des Rechts* Moldenhauer, E & Michel, K eds. Frankfurt am Main: Suhrkamp; 1993
Elements of the Philosophy of Right trans. Nisbet, H Cambridge: Cambridge University Press; 1991
- VPG *Vorlesungen über die Philosophie der Geschichte* Moldenhauer, E & Michel, K eds. Frankfurt am Main: Suhrkamp; 1992
Philosophy of History trans. Sibree, J New York: Prometheus Books; 1991

Notes:

¹ For Hegel's criticisms of Kant's moral will, the fullest account is to be found in NL. The criticisms found there recur often in the lectures and other works. For the contemporary debate itself, one should refer to Allison, H *Kant's Theory of Freedom* Cambridge: Cambridge University Press; 1990, especially chapter ten; Korsgaard, C

Creating the Kingdom of Ends Cambridge: Cambridge University Press; 1996, chapter three; O'Neill, O *Constructions of Reason* Cambridge: Cambridge University Press; 1989, part two; O'Hagan, T "On Hegel's Critique of Kant's Moral and Political Philosophy" in *Hegel's Critique of Kant* ed. Priest, S Oxford: Clarendon; 1987; Pippin, R *Idealism as Modernism* Cambridge: Cambridge University Press; 1997, part one; and Wood, A "The Emptiness of the Moral Will" in *Monist* vol. 72, 1989; pp. 454-483.

² The best and most convincing account of this charge can be found in Tugendhat, E *Self-consciousness and Self-determination* trans. Stern, P London: MIT Press; 1986, chs. 13-14. A less sophisticated, yet more famous, version is of course Karl Popper's in *The Open Society and its Enemies* vol. 2 Third Edition London: Routledge; 1957 chapters 11 and 12.

³ For examples of this approach to Hegel, the reader should refer to Patten, A *Hegel's Idea of Freedom* Oxford: Oxford University Press; 1999; Neuhouser, F *Foundations of Hegel's Social Theory: Actualizing Freedom* London: Harvard University Press; 2000; and the final chapter of Pippin 1997 as well as his article "What is the Question for which Hegel's Theory of Recognition is the Answer?" in *European Journal of Philosophy* vol. 8, no.2, Aug 2000, pp. 155-172.

⁴ Hegel should not be confused with liberal theorists, though. He does not hold that the common good is derived from the interests of individuals abstracted from a social group, but rather the common good is independent of the interests of individuals. In other words, the common good is not only valuable as a means to individual goods, but it is valuable in itself and to be a fully free human being I must desire the common good as my own. It shall be made clear why he holds this below. For a slightly different discussion of this, see Neuhouser, op-cit., ch. 6.

⁵ In Neuhouser op-cit., for example, the consideration of Hegel's social philosophy begins with the full account of social freedom, devoting only nine brief pages to its origin in the earlier forms of freedom, viz. personal and moral.

⁶ Kant, I *The Critique of Pure Reason* trans. Meiklejohn, J & revised Politis, V London: J M Dent, 1993 pp. Aix-xi.

⁷ The reader, at this juncture, may begin to wonder whether we could map Hegel's thought on reasons for action on to the contemporary internalist-externalist distinction. My intuition would say yes that Hegel's position is one which admits both internal and external reasons, but holds that fully free action must be on the basis of internal reasons. However, I would like to leave this to a later investigation, purely because it would involve the present article in concerns which distract from its main aim.

⁸ A proviso should be added in that the right of the intention has an objectivity which holds that the action must include knowledge which the agent *should* know. Thus, the arsonist who says he only wanted to light one blade of grass is responsible for the destruction of the field, because he *should have known* that it was a likely outcome. Cf. PR, §119, addition.

⁹ Such necessity is called for when an agent's actions continually contradict avowed intentions, as would be the case with neurotic symptoms, for example.

¹⁰ The contemporary characterisation would be second-order desires. See Frankfurt, H "Freedom of the will and the concept of a person" and Taylor, C "Responsibility for self" both in *Free Will* ed. Watson, G Oxford: Oxford University Press, 1982.

¹¹ Willing of this sort is necessary for Civil Society, thus it cannot be exclusively moral. Duties, then, can also be prudential (I ought to take out a pension plan) and self-interested (I ought to buy this because I like it). The judgement involved in this second criterion appraises and ranks desires in an order of priority made in relation to a conception of the good.

¹² His culpability is a legal issue arising from the consideration of what an agent ought to know on setting foot within a state. One should not expect a beef steak in India, for example. This is picked up below in the paper when it is clearly demonstrated that the right of objectivity not only determines who is responsible, but also who should be held responsible for ignorance.

¹³ Obviously, in terms of *Sittlichkeit*, this shared scheme of interpretation will demand more. For Hegel's account as a whole, a demonstration of the logical unity of *Sittlichkeit* and objective freedom – in that it enables satisfaction of subjective freedom for the subject who inhabits the rational state and not just any form of life – is necessary. At this point, though, the concern is merely with morality and the harmonisation of the agent's intention with the other's interpretation of it, and, as such, it need only rely on a shared set of values, meanings and significations as concerns action.

¹⁴ This in itself is related in the same way to the metaphysical freedom of the self-determining subject which Hegel describes in his introduction, see PR §§4-27 and also the author's own doctoral thesis locked up in Glasgow University Library: Rose, D *Freedom and Modernity: a Hegelian synthesis of social freedom and freedom of action* 2000, chs. 1-5.

¹⁵ Locke, J *An Essay Concerning the True Original, Extent, and End of Civil Government* in *Two Treatises of Government* ed. Laslett, P Cambridge: Cambridge University Press, 1999, chs. 1-5. For a more detailed discussion of my point, see Knowles, D "Hegel on Property and Personality" in *Philosophical Quarterly* vol. 33; no.

130; 1983; pp. 45-62.

¹⁶ As the "person" is the subject of abstract right and the "subject" is of morality, so the "ethical person" is the subject of social freedom. The citizen refers explicitly to a specific role (the properly political) within the social realm.

¹⁷ The best account of these categories of the social realm is to be found in Patten op-cit.

¹⁸ There is the further stipulation that an objectively free society must be self-determining, that is free in-itself. I here ignore this only because I cannot do justice to the claim in these pages without digressing from my main concern. A good discussion of this can be found in Neuhaus, op-cit. ch. 4.

¹⁹ This is perhaps why the abuse of children by their parents is such a reprehensible crime, there is a certain element of inhumanity in it which horrifies us.

²⁰ One immediate Hegelian response would be to invoke an objective, absolutist account of the end of history: man inhabits the purely rational state where social and individual good harmonise and do so due to the rationality of the institutions which exist. Objective freedom meets the requirements of subjective freedom and no conflicts between the two can possibly arise. However, it would be necessary to offer a thorough description of the nature of the end of history, to acknowledge that Hegel's intuitions concerning certain moral problems and our own differ markedly, to admit that it is in no way obvious that modern institutions could deal with future moral problems and, given all these, to reconsider the end of history as purely an objective state of affairs. All of this is well beyond the remit of this paper.

²¹ This is the view of Tugendhat op-cit.

²² See VPG, pp. 134/104; 137-8/106-7; 417/444-5.

²³ Hegel's best expression of his critique of abstract right is in NL, but also see "Absolute Freedom and Terror" in PhG.

²⁴ It is worth noticing that "formal" is also the adjective assigned to the right of knowledge and subjective freedom in PR. I think what it means is that when I choose x, it is only formal freedom when I do not freely will the end as a good (the substantial element). However, when we move to the moral level, the formal element, that my end be endorsed by me is only true freedom when I am sure that it is in fact a good (the substantial element). So, we need to move to a substantial account of the good, hence ethical life.

²⁵ In this paragraph, Hegel also – albeit obliquely – acknowledges the dangers of what I called the purely objective will, for it is not only the will of the child or the slave, but also the "ethical [*sittliche*] will" – that is the ethical will which is not actual or not self-knowing – which is a will totally immersed in its content.